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UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

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STATE OF ILLINOIS
BOARD OF ETHICS

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December, 1992

One of the major goals of Governor Edgar's personal economic disclosure program is to identify and alleviate potential conflict of interest problems in a manner which strengthens public confidence in government. In an effort to fulfill its responsibility to appointees and employees who have questions relating to potential conflicts of interest, the Board of Ethics prepares ethics interpretations in response to written inquiries from such individuals. Summaries of ten published interpretations are found below. Reliance should not be placed upon such summaries without reviewing the full text of the ruling which may be obtained by calling or writing the Board of Ethics.

The Board welcomes questions relating to possible conflicts of interest. If the Board of Ethics can be of service in this regard, please contact John Larsen at the State of Illinois Center, 100 West Randolph Street, Suite 3-300, Chicago, Illinois 60601, telephone (312) 814-4100. Ethics interpretations are not advisory opinions of a legal nature and are confidential as to the identity of the requester.

SUMMARY OF ETHICS INTERPRETATIONS

No. 74

February 14, 1991

SUBJECT: Secondary Employment as a Stock and Insurance Broker by an Employee of the Department of Commerce and Community Affairs

RULING: The Board found no ethical problem with the secondary employment provided: (1) the business is conducted on the employee's personal time; (2) the employee does no business with employees of DCCA or anyone who has or is negotiating an outside contractual agreement with the Department; (3) no confidential information is used; and (4) the outside employment does not impair the full and effective discharge of state duties.

No. 75

February 14, 1991

SUBJECT: State Appointee Becoming a Candidate for Municipal Office

RULING: Because units of local government fall under the scope of the appointee's authority in his state capacity, the Board ruled that the appointee could pursue the candidacy for municipal office provided that, if elected, the appointee must recuse himself from taking action on any matter where a conflict or potential conflict could occur. Because the issue could potentially involve the compatibility of offices, the Board recommended that the appointee consult the Attorney General if a legal opinion on the question is desired.

No. 76

February 14, 1991

SUBJECT: Conflict of Interest Question Relating to a Day Care Center Operated by the Spouse of a Public Aid Caseworker

RULING: The Board saw no ethical problem if the employee's wife continued to operate the day care center provided: (1) the employee gives his supervisor a list of all clients of the day care center; (2) the employee is not assigned responsibility over any Public Aid recipient who uses the day care center; and (3) a waiver of the Department's conflict of interest policy is obtained and reviewed periodically by agency management to ensure effectiveness from the standpoint of governmental ethics.



SUBJECT: State Employee Accepting a Trip Offered by an Agency Vendor

RULING: Noting that the employee has oversight with respect to the vendor's contract, the Board concluded that there would be an appearance of conflict created if the employee were to accept the vendor's offer to speak at several presentations the vendor is making to potential clients in California.

No. 78

October 4, 1991

SUBJECT: Outside Employment of Public Health Architects

RULING: In the view of the Board, there would be a potential conflict of interest if Public Health architects provided outside architectural services to IDPH-regulated facilities for which they are not specifically assigned. The Board determined that the integrity of the Department's regulation of such facilities could be called into question if this form of secondary employment were allowed.

No. 79

October 29, 1991

SUBJECT: Performance of Private Child Custody Investigations by a Social Worker Employed by the Department of Children and Family Services

RULING: The Board did not see a conflict of interest if the social worker were to conduct investigations when so ordered by the court so long as (1) the investigations are not conducted on state time or involve the use of state resources or equipment; (2) the employee's position with DCFS is not utilized to identify or solicit clients for her private practice; (3) active DCFS clients are not served by her private practice; (4) cases are not accepted for which DCFS provides either direct or indirect reimbursement; and (5) the outside activity does not impair the full and effective discharge of state duties.

No. 80

December 5, 1991

SUBJECT: State Employee Serving on the Board of Directors of a Not-For-Profit Corporation that has a Contract with the Employee's Agency

RULING: The Board concluded that the employee's service as chairman of the board of directors gave rise to a conflict of interest because of the employee's ongoing official contact with the organization and his duties in monitoring the performance of the contract between the organization and the state. The Board recommended that the employee resign his position on the board of directors of the not-for-profit organization.

No. 81

July 20, 1992

SUBJECT: State Employee Assisting Spouse in the Formation of a New Business

RULING: The Ethics Board decided that the solicitation of Illinois-based medical providers by the employee's spouse created an appearance of conflict with the employee's state position and, therefore, the Board recommended that the spouse discontinue advertisements directed toward Illinois providers. However, the Board found no conflict or appearance of conflict with the spouse's business if she solicited providers who are outside the State of Illinois.

No. 82

July 20, 1992

SUBJECT: Agency Acceptance of Dinner Dance Tickets Offered by a Trade Association

RULING: The Board felt that there was an appearance of a conflict of interest created because of the relatively high dollar value of the tickets and because the trade association's membership is regulated by the employee's agency.

No. 83

October 20, 1992

SUBJECT: Acceptance of Travel Reimbursement by Elections Board Staff for Speaking to Election Officials, School Groups, and Civic Organizations

RULING: No conflict of interest was present in this situation so long as (1) the amount of travel reimbursement received is consistent with the terms of the state travel regulations; (2) no honorarium is accepted by the staff member for speaking before a group; and (3) the talk or training session is given to organizations or school groups who are nonpartisan and that the payment of travel reimbursement comes from a nonpartisan source.